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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,089	11/14/2000	ALLEN D BAKER	10002104-1	3410

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EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/18/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,089

Applicant(s)

BAKER, ALLEN D

Examiner

Ramy M Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/14/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference signs for figure 4 mentioned in the description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over DeBettebcourt et al. (U.S. Patent No. 6,279,001)

4. In reference to claim 1, DeBettencourt teaches a method of accessing information (see Abstract), comprising the steps of:

distributing information objects across a plurality of servers (Abstract, column 3 lines 40-67 and column 4 lines 19-32);

maintaining a centralized status of each of said servers (column 2 lines 5-55, column 7 lines 5-67 and column 8 lines 45-50, DeBettencourt discloses maintaining server status through a manager and interceptor);

receiving a request for one of said information objects (column 2 lines 5-55 and column 7 lines 5-67);

inspecting said centralized status to determine an availability of one of said servers having said information object (column 7 lines 5-30, DeBettencourt discloses interceptor inspecting server status obtained from manager to determine availability of servers); and

selectively responding to said request with a redirection message selectively redirecting said request to said one server (column 1 lines 15-45, column 2 lines 20-55 and column 6 lines 44-67, DeBettencourt discloses redirecting a request to balance the load among servers).

5. In reference to claim 2, DeBettencourt teaches the method according to claim 1 further comprising a step of selectively transmitting an error message in response to said request and said inspecting step resulting in a determination that said one server is unavailable (column 7 lines 35-67, DeBettencourt discloses transmitting an error/sorry page if a server is unavailable).

6. In reference to claims 3, DeBettencourt teaches the method according to claim 1 wherein said step of selectively responding to said request includes redirecting said request to one of (i) said one server and (ii) an error handling object (column 6 lines 44-67 and column 7 lines 35-67, DeBettencourt discloses either redirecting a request to another server or to an error handler).

7. In reference to claims 4, DeBettencourt teaches the method according to claim 3 wherein said error handling object comprises an error message (column 7 lines 35-67, DeBettencourt discloses issuing an error/sorry message).

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8. In reference to claims 5, DeBettencourt teaches the method according to claim 3 wherein said error handling object comprises a redirection command (column 6 lines 44-67 and column 7 lines 35-67, DeBettencourt discloses redirecting the request).

9. In reference to claims 6, DeBettencourt teaches the method according to claim 1 wherein each of said information objects comprise a web page (column 4 lines 5-55, DeBettencourt discloses where the requested information is a webpage).

10. In reference to claims 7, DeBettencourt teaches the method according to claim 1 wherein said maintaining step includes periodically updating a status of each of said servers (column 7 lines 13-20 and column 8 lines 27-45, DeBettencourt discloses periodically receiving status information of the servers).

11. In reference to claims 8, DeBettencourt teaches the method according to claim 7 wherein said updating step includes pinging said servers (column 6 lines 14-43 and column 19 line 55 – column 20 line 25, DeBettencourt discloses sending a ping message for server status).

12. Claims 9-20 do not teach or define any new limitations above claims 1-8 as mentioned above and are therefore rejected for similar reasons.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent and relevant to applicant's disclosure.

- Patent No. US006279001B1
- Patent No. US006128279A


- Patent No. US006401121B1
- Patent No. US006070191A
- Patent No. US006327622B1
- Patent No. US005774660A
- Bryhni, H. et al., 'A comparison of load balancing techniques for scalable Web servers', Jul/Aug 2000 IEEE Network, vol. 14 issue 4 pgs 58-64
- Castro, M. et al., 'Load balancing and control for distributed World Wide Web servers', 1999 IEEE International Conference on Control Applications, pgs 1614-1619 vol. 2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on Monday through Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 305-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

RMO  
December 10, 2003

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100